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August 28, 2024

VIA ECF

The Honorable Valerie Figueredo, U.S.M.J.  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1660  
New York, NY 10007

Re: GateGuard, Inc. v. Amazon.com, Inc., No. 21 Civ. 9321 (JGK) (VF)

Dear Judge Figueredo:

Amazon respectfully submits this update regarding GateGuard's noncompliance with the Court's July 16, 2024 order mandating that GateGuard produce withheld documents by August 19, 2024. ECF No. 210 at 2.

On July 30, GateGuard filed a Rule 72(a) objection challenging the Court's July 16 order. ECF No. 216. At the same time, it sought a stay of the Court's July 16 order while its objection was pending. *Id.* at 16–17 (“Compliance With The Magistrate Judge’s Order Should Be Stayed Pending A Resolution Of The Present Objections”).

On August 27, Judge Koeltl issued an order overruling GateGuard's objection and dismissing GateGuard's application for a stay as moot. ECF No. 229 at 5.

GateGuard asserts the stipulated stay of discovery entered on July 24 (ECF No. 213) stayed the Court's July 16 order and August 19 document production deadline. ECF No. 226 at 1. GateGuard's position is contradicted by its own application for a stay filed on July 30, one week after the stipulated stay, which acknowledged the July 16 order was still in force.

The stipulated discovery stay does not excuse GateGuard's compliance with an in-force Court order, and it expressly carved out motion practice regarding “GateGuard's anticipated objection to the Court's privilege waiver rulings.” ECF No. 213 ¶ 3.

For the reasons stated in Amazon's August 20 letter-motion, ECF No. 224, GateGuard should be held in civil contempt of the Court's July 16 order.

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Respectfully submitted,

/s/ David Salant  
David Salant

CC: All counsel of record (via ECF)